

**TOWN OF SHEFFIELD
PLANNING BOARD
MARCH 26, 2014
DOWNSTAIRS MEETING ROOM
7:00 PM**

Board Members Present: David A. Smith, Sr., Chairman
James T. Collingwood Jr.
Peter Cherneff
Christopher Tomich, Alternate

Board Members Not Present: Margaret Martin
Maria Nation

Others Present: Jill Hughes, Recording Secretary
Members of the Public (see sign in sheet)

Chairman D. Smith, Sr. called the meeting to order at 7:00 pm.

Chairman D. Smith, Sr. informed the Board that he received a letter of resignation from member Maggie Martin.

Registered Marijuana Dispensary Warrant Article: Rene Wood was present and handed out a revised draft Registered Marijuana Dispensary (RMD) Warrant Article to the Board. R. Wood spoke about the changes that were made from the previous draft and that she expanded the area for the overlay district. C. Tomich and P. Cherneff questioned Section 8.4.5 Performance Standards that mentions cultivation. P. Cherneff thinks the wording is not right. R. Wood stated she would take those points out of the draft. A discussion ensued over regulations of an RMD.

R. Wood explained that the Medical Marijuana Moratorium was put into place so the Town would have one year to work on this. She stated that this proposed Bylaw should be taken to the voters because there are people who are concerned that an RMD will show up in a neighborhood if we do not regulate where it can be located. The Attorney General's Office has approved this proposed Bylaw. The State has left the local zoning issues up to the Town to decide. P. Cherneff stated that when the Moratorium was approved there were no State regulations in place, but there are now. He also stated that under our existing Bylaws an RMD cannot be placed in the Rural District. We do not need this Bylaw to get full protection because we already have it and that we are just singling out a particular use. P. Cherneff further stated that he thought the bond that is put in place is a good idea and should be for every business in town. R. Wood responded that yes, there were no regulations when the Moratorium was put into place. She also said that with no regulations in place she feels an RMD could end up in a location where people would be concerned. C. Tomich feels there should be a Bylaw in place that states where an RMD can be placed because his concern is that if an RMD is placed in or near a Rural District it could potentially affect property values.

D. Smith, Sr. stated that with this Bylaw we have a say in where an RMD can be placed, so that if the State issues a permit this year we are covered. Board members reviewed the map where it showed the proposed Overlay District and a discussion ensued about moving it back to where it was originally proposed. D. Smith, Sr. called for the Board to vote. **J. Collingwood, Jr. made a motion to support the Registered Marijuana**

Dispensary Warrant Article, seconded by Christopher Tomich. The motion passed 3-1. P. Cherneff was opposed.

R. Wood informed the Board that she would make the necessary changes and send the final document to Chairman D. Smith, Sr. so it can be submitted to the Select Board on Friday.

Chairman D. Smith, Sr. then opened the Public Hearing for the Formula Business Bylaw at 7:40 pm and read the public meeting notice. He explained to the members of the public that this was an informational meeting and that there would be no voting on it tonight. P. Cherneff stated that there had been some changes made based on input from the first public hearing. C. Tomich stated that in his opinion Formula Businesses do not fit in Sheffield. There is limited space in town and he would rather see a local business come in that buys locally. He also does not think that the State prohibits Formula Businesses, but as a Town we can regulate it. He further stated that it should simply state that Sheffield does not allow Formula Businesses. P. Cherneff stated that towns in Massachusetts do prohibit Formula Businesses and that we can regulate how it appears from the outside. Chairman D. Smith, Sr. stated that some towns have completely banned Formula Businesses and the Attorney General's Office has supported it. He further stated that the idea was not for an all-out ban, but to limit the store size to 5,000 square feet.

Chairman D. Smith, Sr. asked for input from the public. Catherine Miller, Martin Mitsoff and Dale Webb all spoke expressing their support for the creation of a Formula Business Bylaw.

C. Tomich made a motion to write a Bylaw that does not allow Formula Businesses in Sheffield. A discussion ensued about whether the Bylaw was ready for the Warrant for Town Meeting or if they create a Temporary Moratorium on Formula Business. **The motion died due to lack of a second.**

C. Tomich made a motion to close the public hearing on Formula Business, seconded by J. Collingwood, Jr. The motion passed 4-0.

Chairman D. Smith, Sr. re-opened the public meeting at 8:09 pm.

P. Cherneff asked Chairman D. Smith, Sr. are we going to move forward on the proposed Formula Business Bylaw as drafted or move to draft a Temporary Moratorium on Formula Business. **J. Collingwood, Jr. made a motion to draft a Temporary Moratorium on Formula Business, with a second from C. Tomich. The motion passed 4-0.**

Chairman D. Smith, Sr. will have a draft for the Moratorium in by the deadline.

Minutes:

The Board reviewed and discussed draft minutes from the February 26, 2014 meeting. **J. Collingwood, Jr. made a motion to approve the February 26, 2014 minutes as written, seconded by P. Cherneff. The motion passed 4-0.**

The Board reviewed and discussed draft minutes from the February 26, 2014 Executive Session meeting. **P. Cherneff made a motion to approve the February 26, 2014 Executive Session minutes as amended, seconded by J. Collingwood, Jr. The motion passed 4-0.**

The Board reviewed and discussed draft minutes from the March 12, 2014 meeting. **J. Collingwood, Jr. made a motion to approve the March 12, 2014 minutes as corrected,**

seconded by P. Cherneff. The motion passed 3-0. C. Tomich abstained because he was not present at the meeting.

P. Cherneff made a motion to enter into Executive Session to discuss litigation strategy for Primax Properties, seconded by C. Tomich. The vote carried as follows:

David A. Smith Sr. – Aye

James T. Collingwood, Jr. – Aye

Peter Cherneff – Aye


Christopher Tomich – Aye

The Board entered Executive Session at 8:34 pm.

J. Collingwood, Jr. made a motion to adjourn, seconded by C. Tomich. The motion carried unanimously and the meeting adjourned at 9:06 pm.

The following documents were reviewed during the Board's meeting and have been retained as required by the Massachusetts Public Retention Policy: Sign in sheet; Draft Minutes from 2/26/14 and 3/12/14 regular meeting and 2/26/14 Executive Session meeting; Registered Marijuana Dispensary Warrant Article; Resignation letter dated 3/26/14 from Margaret Martin.

Respectfully submitted by:



Jill Hughes
Recording Secretary

Sheffield Planning Board

Date: March 26, 2014

Name – PLEASE PRINT

Street, Town

1. Rene E Wood Bowdman St, Sheffield
2. MARTIN C. MITSOFF 960 S. UNDERMOUNT RD, SHEFFIELD
3. Kathy Mancu Main St, Sheffield
4. Lynne Posner Water Farm Rd
5. John Finney 1883 North Main St.
6. John Samata 338 Appleton Ave
7. Catherine B Miller 130 Rock Lane
8. Dede Wells 205 Root Lane
9. David West 636 Solway St, Sheffield
10. _____
11. _____
12. _____
13. _____
14. _____